

Article - Labor and Employment

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§3–1303.

(a) This subtitle does not apply to an employee who:

(1) regularly works less than 12 hours a week for an employer;

(2) (i) is employed in the construction industry; and

(ii) is covered by a bona fide collective bargaining agreement in which the requirements of this subtitle are expressly waived in clear and unambiguous terms; or

(3) (i) is called to work by the employer on an as-needed basis in a health or human services industry;

(ii) can reject or accept the shift offered by the employer;

(iii) is not guaranteed to be called on to work by the employer;
and

(iv) is not employed by a temporary staffing agency.

(b) For the purpose of subsection (a)(2)(i) of this section, an employee who is employed in the construction industry does not include an employee employed as:

(1) a janitor;

(2) a building cleaner;

(3) a building security officer;

(4) a concierge;

(5) a doorman;

(6) a handyperson; or

(7) a building superintendent.

(c) (1) Except as provided in paragraph (2) of this subsection, if a unit of State or local government's sick leave accrual and use requirements meet or exceed the sick and safe leave provided for under this subtitle, employees of the unit of State or local government who are part of the unit's personnel system are subject to the unit's laws, regulations, policies, and procedures providing for:

- (i) accrual and use of sick leave;
- (ii) grievances; and
- (iii) disciplinary actions.

(2) Employees of a unit of State government that are entitled to sick and safe leave under this subtitle and who are not covered by the unit's sick leave and accrual and use requirements are subject to § 3–1308 of this subtitle.

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